IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 703 of 2005

1 Rajendra Singh s/o
Late Dal singh
R/o Village Dandhera
PS Kotwali, Roorkee,
District Haridwar
2 Sanjeev Kumar
S/o Shri Rajender Aingh
R/o village Dandhera
P.S. Kotwali,
Roorkee,District Haridwar.

Applicants

versus

1 State of Uttaranchal
2 sohan Lal s/o Ssri Ddharam Singh
r/o Village Dandhera,
PS Kotwali, Roorkee,
District Haridwar. Respondents

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C has been filed by the applicants for quashing the charge sheet dated 11.7.2005 against the petitioners in case crime No. 153-A of 2005 u/s 147, 148, 323, 307, 504, 506, IPC and 3 (2) 5 of S C S T Act.

Brief facts of the case giving rise to this petition are that a First Information Report was lodged at PS Kotwali Roorkee wherein the names of the applicants were mentioned as accused The police investigated the matter and thereafter submitted the charge sheet against the applicants. The applicants have filed this petition for quashing the charge sheet.

Heard, learned counsel for the petitioners, learned AGA and perused the record.

The learned counsel for the petitioners has argued that in this case there is no other injured person except Dharampal and his injuries also do not corroborate the prosecution case. It has

also been argued that no prima facie case against the petitioners has been made out in the facts and circumstances of the case. The learned counsel for the petitioners has argued that petitioners have nothing to do with the injuries allegedly sustained by Dharampal. It is also argued that the provisions of S C S T Act are not applicable in this case.

I do not find any substance in the arguments advanced by the learned counsel for the petitioners. The contention raised by the learned counsel for the petitioners relates to the factual aspects of the matter and can be dealt with by the trial court itself at the time of trial. The petitioners by way raising contention before me wants a pre-mature decision in a case where the entire facts are extremely incomplete and hazy. More so, when the evidence has not been collected and produced before the court and the issues involved cannot be seen in their true perspective without sufficient material.

I am not supposed to assume the role of the trial court and embark upon the inquiry as to the realibility of evidence and sustainability of accusation on reasonable appreciation of such evidence.

I am therefore of the view that the proceedings pending before the court below is no to be quashed.

The petition lacks merit and is liable to be dismissed.

Accordingly the petition under Section 482 Cr.P.C is dismissed in limine.

However, in case, the petitioners move bail application before the trial court, the trial court shall decide the same expeditiously.

(B.C. Kandpal, J.)

26.10.2005
nbj